

REMARKS

This is a full and timely response to the Office Action of September 16, 2010. By the present amendment, claim 70 has been amended, and claim 71 has been added. No new matter has been added. Reconsideration and allowance of the application and all presently pending claims are respectfully requested.

Response to 35 U.S.C. § 112 rejections

Applicant submits that the rejections based on 35 U.S.C. § 112 are moot in light of the present amendments. With regard to claim 70, Applicant has amended the claim to remove the instances of “means” in the claim. Support for the amended language can be found, for example, in the abstract of the present application publication. As a result of the present amendments, Applicant submits that the present claims are in full compliance with 35 USC § 112, and respectfully requests that the rejections based upon this provision be withdrawn.

Response to 35 U.S.C. § 103 rejections

On pages 5-8 of the Office Action dated September 16, 2010, the Examiner has rejected claims 69 and 70 under 35 U.S.C. § 103 as being unpatentable over U.S. Patent Application Publication No. 2002/0156728 to Jaschhof et al. (hereafter “Jaschhof”) in view of U.S. Patent Application Publication No. 2002/0107610 to Kaehler et al. (hereafter “Kaehler”) in further view of U.S. Patent No. 6,363,488 to Ginter et al. (hereafter “Ginter”).

The present invention

As disclosed in the specification, the present invention provides, in part, a technical method and system for facilitating transactions whereby, for example, a reader of a retail system can read an image from a display of a mobile radio apparatus, e.g., a mobile telephone. The displayed image can be graphically represented transaction data. The graphically represented transaction data can be, for example, a barcode (see paragraphs 0105, 0111 and 0119, for example).

The cited prior art

The Jaschhof reference relates to wireless transactions using a pre-paid account. On page 6 of the Office Action, the Examiner has cited paragraph 0040 of Jaschhof for the claim elements of:

- displaying on said display of said mobile radio apparatus an image including a graphical representation of transaction data which includes data identifying a transaction database record;
- using said reader of said retail system to read the graphically represented transaction data displayed on said display of said mobile radio apparatus

Paragraph 0040 of Jaschhof is reproduced below:

The sum of money to be transferred is then debited from the money sender's prepaid account. This process is time critical and is performed in real time. If the money sender's prepaid account is on the same server as the prepaid shopping application, the credit can immediately (in real time) be reduced by the sum of money to be transferred. If the account is on a foreign server, the debit request needs to be made to the prepaid shopping application on that server, and the debit operation is performed under that application's regime. In each case, a log record is produced for the debiting process, and the money receiver and/or money sender is informed about the debit operation having been

performed by means of the cash register system or a call or by SMS or an appropriate WAP page on the display of a mobile telephone or the like.

The only reference to a display of a mobile radio apparatus or telephone is in the last sentence of paragraph 0040, where it states that a money receiver or sender can be informed about a debit operation having been informed. Receiving information through a wireless device is not the same as displaying an image including a graphical representation of transaction data, much less an image which includes data identifying a transaction database record as claimed in the first element of claim 69.

Further, there is nothing whatsoever in paragraph 0040 of Jaschhof or elsewhere therein that shows or describes using a reader of a retail system to read the graphically represented transaction data displayed on the mobile device display. The Examiner notes on page 7 of the Office Action that Jaschhof does not disclose a retail system, a reader of a retail system, displaying an image, and other items from claim 69, which contrasts with what the Examiner states that Jaschhof shows on page 6 of the Office Action. Regardless, Applicant submits that Jaschhof is noticeably void of several elements in claim 69. Given that Jaschhof does not teach reading an image from a mobile apparatus display as noted above, Jaschhof clearly cannot disclose the step of claim 69 of "communicating from said retail system to said transaction control system, the read data identifying a transaction database record and data indicating that payment has been accepted." The "read data" is the graphically represented transaction data read by the reader from the mobile device display, which is not communicated in Jaschhof.

With regard to the claimed element of displaying an image in claim 69, the Examiner has also cited Kaehler in claim 30 for this purpose, based on the description of uniquely identifying a customer. Such an image, even if it represents a customer, has nothing to do with the claim

language of claim 69, which refers to displaying an image including a *graphical representation of transaction data* which includes *data identifying a transaction database record*. A customer, and even an image of a customer, does not meet this claim limitation. Kaehler is a vending machine and has nothing to do with reading transaction-related codes from mobile device displays.

Applicant submits that the above arguments are equally applicable to claim 70, which includes similar language and which was addressed simultaneously by the Examiner on pages 6-8 of the Office Action.

New claim 71 has been added to recite that the image including a graphical representation of transaction data in claim 69 is in the form of a barcode. Support for this addition can be found, for example, in the present application publication at paragraphs 0105, 0111 and 0119 and Fig. 1. In addition to the lack of disclosure or teaching in Jaschhof and Kaehler with respect to the elements of claims 69 and 70, it is further clear that Jaschhof and Kaehler do not teach where the image being displayed and read from the mobile apparatus is a barcode.

The prior art must teach or suggest *all* claim elements in order to find anticipation or obviousness, and *all* words in a claim must be considered in judging the patentability of that claim against the prior art (see MPEP §§ 706.02(j) and 2143.03). For all of the above reasons, Applicant respectfully submits that the Jaschhof, Kaehler and Ginter references do not support an obviousness rejection against the currently pending claims, alone or with any other references of record. Accordingly, Applicant submits that the obviousness rejections from the Office Action of September 16, 2010 should be withdrawn and the present claims allowed.

It will be appreciated that Applicant's silence with respect to the Examiner's other assertions not explicitly addressed in this response, including assertions of what the cited

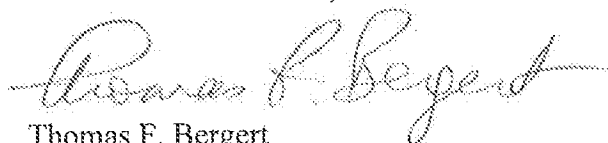
references disclose, the Examiner's interpretation of claimed subject matter or the specification, or the propriety of any asserted combination(s) of teachings, is not to be understood as Applicant's agreement with the Examiner. Applicant respectfully submits that, as the claims are believed to allowable for at least the reasons stated in this response, Applicant need not address all of the Examiner's assertions at this time. In addition, the absence of arguments for patentability beyond what is presently submitted should not be construed as a disclaimer of any such further arguments or as an indication that there are no other arguments.

CONCLUSION

Based on the foregoing, Applicant submits that the present application is in position for prompt adjudication and allowance, and that the rejections in the Office Action of September 16, 2010 have been traversed. Applicant believes that all of the claims currently pending in the present application are now in condition for allowance, and an early notice to that effect is earnestly solicited. Should there be any outstanding issues requiring discussion that would further the prosecution and allowance of the present application, the Examiner is invited to contact Applicant's undersigned representative at the address and phone number provided below.

Applicant's petition for a two-month extension of time is being filed simultaneously with this response, along with payment of the required fees.

Respectfully submitted,
WILLIAMS MULLEN, PC

A handwritten signature in cursive script, appearing to read "Thomas F. Bergert", is written over the printed name.

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Attached: petition for two-month extension of time

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